

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

2/4/2005 4:30 pm

WALTER A.Y.H. CHINN, CLERK

CASE NUMBER: CR 03-00106DAE  
CASE NAME: USA v. John Andrew Gilbreath  
ATTYS FOR PLA: Thomas Muehleck  
ATTYS FOR DEFT: Donna Gray  
USPO: Mona Godinet

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JUDGE: David Alan Ezra

REPORTER: Cynthia Fazio

DATE: 2/4/2005

TIME: 10:15am-11:00am

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COURT ACTION: EP: Sentencing to Count 1 of the Indictment as to Defendant John Andrew Gilbreath.

Defendant John Andrew Gilbreath present, not in custody.

Presentence Report adopted. Sentencing recommendations heard. Allocution by Defendant John Andrew Gilbreath

### SENTENCE:

Imprisonment: 24 MONTHS

Supervised Release: 3 YEARS

### CONDITIONS:

1. Defendant shall observe the standard conditions of supervised release.
2. Defendant shall not commit any federal, state, or local crimes (mandatory condition).
3. Defendant shall not possess illegal controlled substances (mandatory condition).

4. Defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two drug tests thereafter, as directed by the Probation Office (mandatory condition).
5. Defendant shall cooperate in the collection of DNA as directed by the probation officer (mandatory condition).
6. Defendant is prohibited from possessing a firearm, ammunition, destructive device, or any other dangerous weapon.
7. Defendant shall participate in a substance abuse program, which may include drug testing at the discretion and direction of the Probation Office.
8. Defendant shall provide the Probation Office access to any requested financial information.
9. Defendant shall submit his person, residence, place of employment, or vehicle to a search conducted at a reasonable time and in a reasonable manner, based upon a reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. Defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Special Assessment: \$100.00.

JUDICIAL RECOMMENDATIONS: BOP institution in Huntsville, AL.

Defendant advised of his right to appeal.

Mittimus is stayed until 3/21/2005.

Defendant to self-surrender @2:00 p.m. on 3/21/2005 at the facility designated by the Bureau of Prisons. The time is the time at the facility.

Present bail conditions to remain.

Submitted by: Theresa Lam, Courtroom Manager